

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KOFI JOHNSON,

Plaintiff,

v.

Civil Case No. 12-14504
Honorable Patrick J. Duggan

WAYNE COUNTY FRIEND OF THE
COURT and CITY OF DETROIT,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR
AMEND A JUDGMENT**

Plaintiff Kofi Johnson ("Plaintiff") filed this civil rights action against Defendants pursuant to 42 U.S.C. § 1983 and state law on October 11, 2012. Plaintiff was granted leave to proceed *in forma pauperis*. On October 24, 2012, this Court issued an order summarily dismissing Plaintiff's Complaint without prejudice. Presently before the Court is Plaintiff's motion to alter or amend the judgment, filed pursuant to Federal Rule of Civil Procedure 59 on November 21, 2012.

Motions to alter or amend a judgment pursuant to Rule 59 may be granted only if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice. *GenCorp., Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). Plaintiff fails to satisfy this standard.

This Court summarily dismissed Plaintiff's Complaint because he failed to allege any facts to support a municipal liability claim against Wayne County or the City of

Detroit and because government agencies are immune from liability for intentional torts. To the extent Plaintiff intended to assert his claims against the state court judge and/or Friend of the Court employees referenced in the body of his Complaint, but not included in his case caption, the Court concluded that they are entitled to judicial or quasi-judicial immunity. In his pending motion, Plaintiff asks the Court to alter or amend its judgment because, he contends, the Friend of the Court employees were acting outside their power under Michigan law as they were not acting with direct involvement or participation or pursuant to the decision of a judge. Plaintiff's Complaint, however, specifically alleged that a hearing was held before Wayne County Circuit Court Judge William Callahan and that Judge Callahan issued the bench warrant. (Pl.'s Compl. ¶¶ 7, 9.) As such, he did not plead facts to suggest that the Friend of the Court employees were acting beyond the scope of their authority and thus were not entitled to immunity.

For these reasons,

IT IS ORDERED, that Plaintiff's motion to alter or amend a judgment is **DENIED**.

Dated: December 20, 2012

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies:
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